ADMISSIBILITY & RECEIPT OF EVIDENCE



OFFICE OF THE CHIEF IMMIGRATION JUDGE ACIJ JACK H. WEIL OCTOBER 16, 2018 So You admit it: You Planted the Corn used by the distillery to Make the Whiskey Sold to the Bar that served my client, causing him to have an accident While driving home drunk!



Identifying issues for resolution

In removal proceedings under section 240 of the Immigration and Nationality Act

(b) (6)

(Number, street, city state and ZIP code)

____currently residing at:
DEPARTMENT OF JUSTICE
EXEQUATE DEPENDE

☐ 1. You are an arriving alien.

1. Four are an arriving after.
 2. You are an affect present in the United States who has not been admitted or paroled.

JAN 27 2003

3. You have been admitted to the United States, but are deportable for the reasons stated below.

FILED WITH SAN DIEGO, CA

The Service alleges that you:

1) You are not a citizen or national of the United States:

 You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF;

3) (b) (6)

Date: January 22, 2003

In the Matter of:
Respondent:

IN IRNS CUSTODY

 You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

.212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended; in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

On a date to be set at a time to be set to show charge(s) set forth above.

(b) (7)(C)

San Diego, California

... (City and State)

See reverse for important information

s based on the

Officer.

In removal proceedings under section 240 of the Immigration and Nationality Act

In the Matter of: Respondent currently residing at: IN IENS CUSTODY DEPARTMENT OF JUSTICE (Number, street, city state and ZIP code) EXECUTIVE OF THE CETOR IMMIGRATION REVIEW 1. You are an arriving alien. JAN 27 2003 🗵 2. You are an alien present in the United States who has not been admitted or paroled. ☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below. FILED WITH IMMIGRATION COURT SAN DIEGO, CA The Service alleges that you: 1) You are not a citizen or national of the United States; 2) You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF: 3)(b) (6)

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

4) You were not then admitted or paroled after inspection by an Immigration

.212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended; in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

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	(Complete Address of Immigral (b) (7)(C) Tune to be set to show (Tune)	s based on the
charge(s) set forth above.		
Date: January 22, 2003	San Diego, California	

See reverse for important information

COR/LPR

COR/NLPR

PRE-VR

POST VP

ASYLUM

WITHHOLDING

209

CAT

212(c)

212(h)

ADJUSTMENT

REGISTRY

TPS

NACARA

Legal - NO

1X = **2018**

Hurt - NO

M(arried) - NO

K(ids) - NO

P(arents) - NO

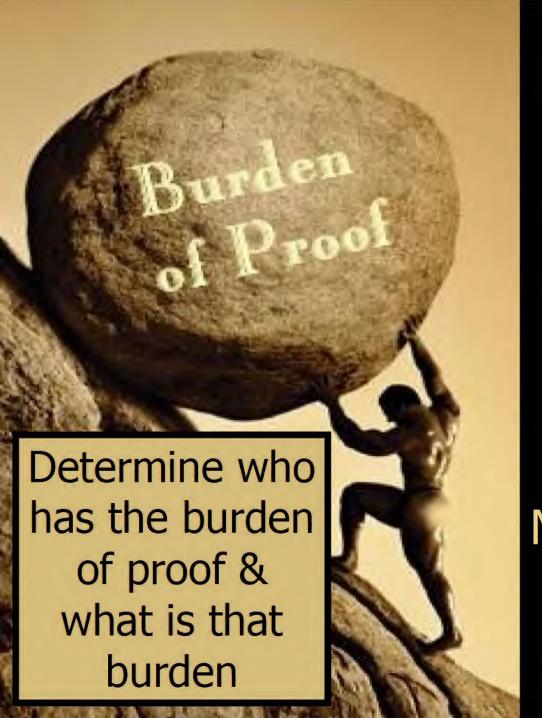
F(iled) - NO

\$ - NO

Victim - NO



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Preponderance of the evidence

Clear & convincing

Clear probability

More likely than not

Beyond a doubt

Receiving & Organizing Evidence





Find Exhibit #4



Recommendation for Receiving Evidence

1.



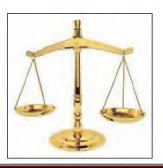
Documents

2.



Testimony

3.



Other evidence

Tracking Evidence

Evidence	Collection	Worksheet			

matter or		
A. <u>Documents</u>		
Exhibit 1 - Notice to Appear	(ID/AD)	COR/LPR COR/NLPR
Exhibit	(ID / AD)	PRE -VR
Exhibit	(ID / AD)	POST-VR ASYLUM
Exhibit	(ID / AD)	WITHHOLDING TORTURE
Exhibit	(ID / AD)	REFUGEE REGISTRY
Exhibit	(ID / AD)	ADJUSTMENT 212(h)
Exhibit	(ID / AD)	TPS NACARA
Exhibit	(ID/AD)	212(c) DV, Traffic, Crime, Harm
Exhibit	(ID / AD)	
Exhibit	(ID / AD)	
A. <u>Testimony</u>		Parents = USC
Name of Witness:	Called by:	
	(DHS/R)	
B. Other Evidence		
	of	
	VI	

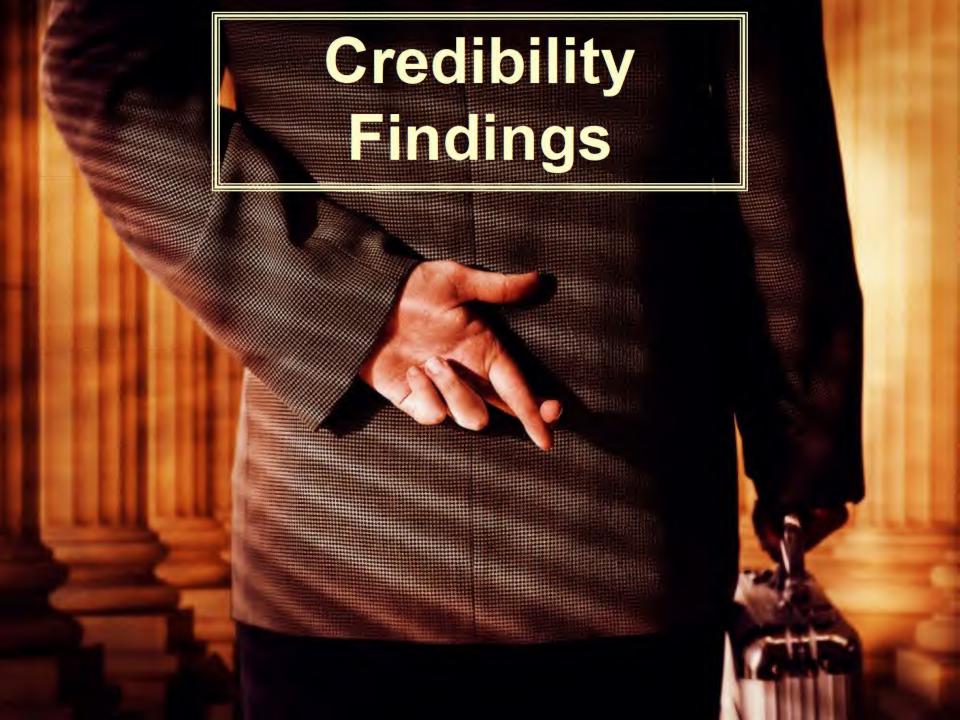
Linking Evidence & Issues

Cancellation for Non- Permanent Residents	Documents	Testimony	Other
10 years presence	Ex 1 School Record Ex 3 Utility Bill Ex 5 Pay Stub	Neighbor Employer	
Good moral character	Ex 6 Certificate Ex 8 Friend Letter	Sister Pastor	Proffer re: Brothers
No disqualifying conviction	Ex 9 State Clearance		Stipulated
Exceptional & extremely unusual hardship	Ex 10 Marriage cert. Ex 11 D's birth cert. Ex 12 Medical doc.	Dr. Smith Teacher Daughter	
Discretion	Ex 13 Church Letter Ex 14 Charity Letter	Respondent	

Admissibility of Evidence in Immigration Proceedings

The test for admissibility of evidence in immigration proceedings is:

- 1. Whether the evidence offered has probative value (i.e., tendency to make the existence of any fact of consequence more or less probable), and
- Whether its use is consistent with a fair hearing.











Credibility Factors

Candor

Responsiveness

Inherent plausibility

Demeanor

Consistency

Corroboration

Any other factor



Oral decision must include an explicit finding as to whether testimony is credible.

If you find a witness not credible, you must explain why. If it is due to an inconsistency, identify the inconsistency, give an opportunity to explain, explain why you are not persuaded, and state how the inconsistency is central.

There are many reasons one may not be credible besides lying.

Be culturally sensitive in assessing demeanor.

Keep the Record Neat & Organized

Control your courtroom & enforce well-established rules & practices.

